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SEP 02 2008

Deliver to: Phuong M. Phu, USPTO

Art Group: ..... 2611

Facsimile No.: (571) 273-8300

Date: September 2, 2008

From: Brent E. Vecchia, Reg. No. 48,011

Our Docket No.: 42P17667

Number of pages 6 (including this sheet.)

Application No.: 10/749,987

Filing Date: 12/31/2003. ....

Docket Due Date(s): .....

Enclosed are the following documents:

<input type="checkbox"/> Amendment: (      pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief (      pgs)	<input type="checkbox"/> Notice of Appeal (in duplicate)
<input type="checkbox"/> Application: (      pgs) w/cover & abstract)	<input type="checkbox"/> Petition for:
<input type="checkbox"/> Assignment & Cover Sheet (      pgs)	<input type="checkbox"/> Request for Continued Examination (RCE) (in duplicate)
<input checked="" type="checkbox"/> Certificate of Facsimile	<input type="checkbox"/> Reply Brief (      pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA (      pgs)	<input type="checkbox"/> Request to Rescind Previous Nonpublication Request
<input type="checkbox"/> Drawings: sheets, figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time:	<input type="checkbox"/> Response to Written Opinion (      pgs)
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PTO/SB/08 (      pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input checked="" type="checkbox"/> Other: Applicant Interview Summary (2 pgs.)	<input checked="" type="checkbox"/> Transmittal Letter

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Shannon Serrano  
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## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

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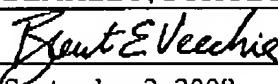
Application No.	10/749,987
Filing Date	December 31, 2003
First Named Inventor	Neil J. Bershad
Art Unit	2611
Examiner Name	Phuong M. Phu
Attorney Docket Number	42P17667

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Applicant Interview Summary Facsimile Cover Sheet
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> PTO/SB/08	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Basic Filing Fee		
<input type="checkbox"/> Declaration/POA		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

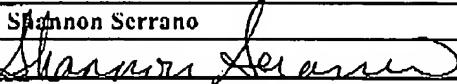
Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brent E. Vecchia, Reg. No. 48,011  BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	September 2, 2008

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Signature	
Date	September 2, 2008

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## FEE TRANSMITTAL for FY 2007

*Parent fees are subject to annual revision.*

Applicant claims small entity status. See 37 CFR 1.27.  
**TOTAL AMOUNT OF PAYMENT** (\$)

*Complete if Known*

Application Number	10/749,987
Filing Date	December 31, 2003
First Named Inventor	Neil J. Bershad
Examiner Name	Phuong M. Phu
Art Unit	2611
Attorney Docket No.	42P17667

**METHOD OF PAYMENT (check all that apply)**

Check  Credit card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments  
 under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

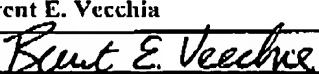
**FEE CALCULATION**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code (\$)	
1051	130	2051 65	Surcharge - late filing fee or oath
1052	50	2052 25	Surcharge - late provisional filing fee or cover sheet.
2053	130	2053 130	Non-English specification
1251	120	2251 60	Extension for reply within first month
1252	460	2252 230	Extension for reply within second month
1253	1,050	2253 525	Extension for reply within third month
1254	1,640	2254 820	Extension for reply within fourth month
1255	2,230	2255 1,115	Extension for reply within fifth month
1401	510	2401 255	Notice of Appeal
1402	510	2402 255	Filing a brief in support of an appeal
1403	1,030	2403 515	Request for oral hearing
1451	1,510	2451 1,510	Petition to institute a public use proceeding
1460	130	2460 130	Petitions to the Commissioner
1807	50	1807 50	Processing fee under 37 CFR 1.17(q)
1806	180	1806 180	Submission of Information Disclosure Stmt
1809	810	1809 405	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	810	2810 405	For each additional invention to be examined (37 CFR § 1.129(b))

Other fee (specify)

SUBTOTAL (2) (\$)

*Complete if applicable*

Name (Print/Type)	Brent E. Vecchia	Registration No. (Attorney/Agent)	48,011	Telephone	(303) 740-1980
Signature			Date	09/02/08	

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (mr) 12/15/2004  
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<b>FEE TRANSMITTAL for FY 2007</b>		<b>Complete if Known</b> Application Number: 10/749,987 Filing Date: December 31, 2003 First Named Inventor: Neil J. Bershad Examiner Name: Phuong M. Phu Art Unit: 2611 Attorney Docket No.: 42P17667		
<small>Patent fees are subject to annual revision.</small> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.				
<b>TOTAL AMOUNT OF PAYMENT</b> : (\$)				
<b>METHOD OF PAYMENT (check all that apply)</b> <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____ <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor &amp; Zafman LLP</u> For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) <input checked="" type="checkbox"/> Credit any overpayments under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.				
<b>FEE CALCULATION</b>				
<b>Large Entity</b> <b>Small Entity</b>				
Fee Code 1051 1052 2053 1251 1252 1253 1254 1255 1401 1402 1403 1451 1460 1807 1806 1809 1810	Fee (\$) 130 50 130 120 460 1,050 1,640 2,230 510 510 1,030 1,510 130 50 180 810 810	Fee Code 2051 2052 2053 2251 2252 2253 2254 2255 2401 2402 2403 2451 2460 1807 1806 1809 2810	Fee Description Surcharge - late filing fee or oath Surcharge - late provisional filing fee or cover sheet. Non-English specification Extension for reply within first month Extension for reply within second month Extension for reply within third month Extension for reply within fourth month Extension for reply within fifth month Notice of Appeal Filing a brief in support of an appeal Request for oral hearing Petition to institute a public use proceeding Petitions to the Commissioner Processing fee under 37 CFR 1.17(q) Submission of Information Disclosure Stmt Filing a submission after final rejection (37 CFR § 1.129(a)) For each additional invention to be examined (37 CFR § 1.129(b))	<b>Fee Paid</b> <div style="border: 1px solid black; height: 100px; width: 100px;"></div>
Other fee (specify)				<b>SUBTOTAL (2)</b> (\$)

<b>SUBMITTED BY</b>					
Name (Print/Type)	Brent E. Vecchia		Registration No. (Attorney/Agent)	48,011	Telephone
Signature				Date	09/02/08

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wfr) 12/15/2004.  
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OUR DOCKET NO: 42P17667

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 10/749,987	Confirmation No. :
1 <sup>st</sup> Named Inventor : Neil J. Bershad	Art Unit : 2609
Filed : 12/31/2003	Examiner : Quynh Nguyen
Docket No. : 42P17667	Customer No. : 7590

## APPLICANT INTERVIEW SUMMARY

Assistant Commissioner for Patents  
Alexandria, VA 22313-1450

This Applicant Interview Summary is filed in response to the Interview conducted with the Examiner in the above-identified case in accordance with 37 CFR 1.133 and MPEP 713.04.

The Examiner phoned Representative to request the interview. The time and date of the interview was 11:00 MST on 8/29/08. The participants in the interview were Quynh Nguyen (Examiner) and Brent Vecchia (Representative). The interview was telephonic.

During the interview, Ms. Nguyen requested a short explanation of the specification. Mr. Vecchia walked the Examiner through Figures 1-3 and the associated portions of the specification.

Ms. Nguyen also asked how the claims distinguished over the cited references relied upon by the former Examiner. Claim 1 was read. Mr. Vecchia asserted that claim 1 was allowable over the cited art relied upon by the former Examiner for the reasons set forth in the Appeal Brief previously filed in the above-identified case. Mr. Vecchia read and reviewed certain of the arguments presented in this Appeal Brief.

No firm agreement was reached. Although it is believed that the current claims distinguish over the cited art, in order to expedite allowance, Mr. Vecchia agreed to send a set of proposed claim amendments to the Examiner. The Examiner agreed to review the proposed claim amendments, do an updated search, and consider allowing the claims with these proposed claim amendments. No exhibit was shown or demonstration conducted.

No fee is believed to be due. However, please charge any needed extension of time or other needed fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 9/2/08

Brent E. Vccchia

Brent E. Vccchia  
Rcp. No. 48,011

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